

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Dieter DORSCH, et al.

Serial No.: 10/543,109

Group Art Unit: 1626

Filed: July 22, 2005

Examiner: ANDERSON, Rebecca L.

For: CARBOXAMIDE DERIVATIVES AND THE USE THEREOF AS FACTOR XA
INHIBITORS

REPLY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

In response to the Office Action mailed on June 5, 2008, applicants take the Examiner's invitation to identify another specific embodiment of similar scope to the exemplary groups identified in said Office Action. The new group includes claims 1-16 and 18-21 drawn to products of formula I wherein D is phenyl, X is NR³, Y is Ar-diyl and T is a monocyclic heterocycle. As further guidance to aid the Examiner in the search process, a species is also elected, which is the first compound of claim 16, which is also disclosed in example 1 of the specification, i.e., 2-[3-(4-chlorophenyl)ureido]-N-[4-(2-oxo-2H-pyridin-1-yl)phenyl]-4-methanesulfonylbutyramide.

The traversal is on the grounds that the patent office has not established that it would pose an undue burden to examine the full scope of the claimed invention.

Additionally, applicants bring the attention of the Examiner to MPEP § 821.04, Rejoinder, which states that "if the elected invention is directed to the product and the claims directed to the product are subsequently found patentable, process claims [both process of making and using] which either depend from or include all the limitations of the allowable product will be rejoined." If the restriction requirement is maintained at this point, rejoinder of the non-elected process and method claims is respectfully requested at the proper time in accord with the rejoinder provisions of the MPEP.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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Attny. Docket No.: Merck-3039

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